

# Senate Study Bill 1146

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON KREIMAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act repealing the statute of repose periods in a product  
2 liability case and in a case arising out of the unsafe or  
3 defective condition of an improvement to real property and  
4 including an applicability date provision.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1978SC 82  
7 rh/gg/14

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1 1 Section 1. Section 614.1, subsections 2A and 11, Code  
1 2 2007, are amended by striking the subsections.  
1 3 Sec. 2. APPLICABILITY. This Act applies to all actions  
1 4 filed on or after the effective date of this Act.  
1 5 EXPLANATION  
1 6 This bill repeals the statute of repose periods in a  
1 7 product liability case and in a case arising out of the unsafe  
1 8 or defective condition of an improvement to real property.  
1 9 The bill eliminates the 15-year statute of repose period in  
1 10 a products liability case based upon the death of a person or  
1 11 injuries to the person or property brought against the  
1 12 manufacturer, assembler, designer, supplier of specifications,  
1 13 seller, lessor, or distributor of a product based upon an  
1 14 alleged defect in the design, inspection, testing,  
1 15 manufacturing, formulation, marketing, packaging, warning,  
1 16 labeling of the product, or any other alleged defect or  
1 17 failure of whatever nature or kind, based on theories of  
1 18 strict liability in tort, negligence, or breach of an implied  
1 19 warranty.  
1 20 The bill also eliminates the 15-year statute of repose  
1 21 period in a case arising out of the unsafe or defective  
1 22 condition of an improvement to real property based upon an  
1 23 injury to property or an injury or death of a person.  
1 24 Under current law, the statute of limitations period for a  
1 25 personal injury action is two years from the date of injury  
1 26 (Code section 614.1, subsection 2). The statute of  
1 27 limitations period for an injury to property is five years  
1 28 from the date of injury (Code section 614.1, subsection 4). A  
1 29 statute of repose period differs from a statute of limitations  
1 30 period in that a statute of repose period establishes a time  
1 31 period after which a lawsuit based upon a defective product or  
1 32 negligence in an improvement to real property cannot be filed  
1 33 regardless of whether an injury to a person or to property has  
1 34 occurred. A statute of limitations period begins at the date  
1 35 of the injury or upon discovery of the deficiency.  
2 1 The bill applies to all actions filed on or after the  
2 2 effective date of the bill.  
2 3 LSB 1978SC 82  
2 4 rh:rj/gg/14